IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 19281 OF 2007(U)
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PETITIONER:
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GEORGE P.THOMAS, AGED 46 YEARS,
VICE PRESIDENT, ASWATHY GARDENS,
CHITTATTUMUKKU P.O., MENAMKULAM, KAZHAKKOOTTAM,
TRIVANDRUM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. MRS.MOBY UMMEN,
Q-49, ASWATHY GARDENS, CHITTATTUMUKKU P.O.,
MENAMKULAM, KAZHAKKOOTTAM, TRIVANDRUM DISTRICT.

2. MR.K.K.PUNNOOS,
S-35, ASWATHY GARDENS, CHITTATTUMUKKU P.O.,
MENAMKULAM, KAZHAKKOOTTAM, TRIVANDRUM DISTRICT.

3. MRS.SARAMMA PUNNOOS,
S-35, ASWATHY GARDENS, CHITTATTUMUKKU P.O.,
MENAMKULAM, KAZHAKKOOTTAM, TRIVANDRUM DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
KAZHAKKOOTTAM POLICE STATION,
TRIVANDRUM DISTRICT.

5. THE CIRCLE INSPECTOR OF POLICE,
KAZHAKKOOTTAM POLICE STATION,
KAZHAKKOOTTAM, TRIVANDRUM DISTRICT.

6. THE SUPERINTENDENT OF POLICE (RURAL),
KZHAKKOOTTAM, TRIVANDRUM DISTRICT.

7. THE DIRECTOR GENERAL OF POLICE,
(LAW AND ORDER), TRIVANDRUM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

GOVT. PLEADER SRI. P. RAVINDRA BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**WP(C) 19281/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

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|---|---|
| EXT.P1 | TRUE COPY OF THE PROPERTY TAX RECEIPT REMITTED IN THE YEAR 2006-07 CONCERNING THE PROPERTY IN R.S. NO. 204/2,3,4,5 & 6. |
| EXT.P2 | TRUE COPY OF THE LAND TAX RECEIPT WITH RESPECT TO SURVEY NO. 247/2 3 4 & 5. |
| EXT.P3 | TRUE COPY OF THE PROJECT SKETCH WITH RESPECT TO ASWATHY GARDENS. |
| EXT.P4 | TRUE COPY OF THE PROJECT SKETCH WITH RESPECT TO ASWATHY PARK. |
| EXT.P5 | TRUE COPY OF THE JUDGMENT IN W.P.(C) 18216/2007 OF THIS HON'BLE COURT. |
| EXT.P6 | TRUE COPY OF THE F.I.R. DATED 9.6.2007 IN CRIME NO. 216/2007 OF KAZHAKKOOTTAM POLICE STATION. |
| EXT.P7 | TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, KAHZAKKOOTTAM DATED 18.6.2007. |
| EXT.P8 | TRUE COPY OF THE RECEIPT ISSUED BY THE S.I. OF POLICE, KAZHAKKOOTTAM DATED 18.6.2007. |
| EXT.P9 | TRUE COPY OF THE COMPLAINT SUBMITTED BEFORE THE S.I. OF POLICE, KAZHAKKOOTTAM DATED 19.6.2007. |
| EXT.P10 | TRUE COPY OF THE POSAL RECEIPT WITH RESPECT TO SENDING OF EXT.P9. |

RESPONDENTS' EXHIBITS:

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|---|---|
| EXT.R1(a) | TRUE COPY OF THE PLAINT IN O.S. NO. 1075/2007 ON THE FILE OF THE IIND ADDITIONAL MUNSIFF'S COURT, THIRUVANANTHAPURAM. |

// TRUE COPY//

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 19281 OF 2007

DATED THIS, THE 28TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner seeks for a writ of mandamus to be issued for providing police protection for himself, his family members, to the staff in his office as well as site office including the vehicles and the company from Respondents 1 to 3 and their men.

2. It is alleged that Respondents 1 to 3 are residents of Aswathy Gardens and that with the connivance of persons with criminal backgrounds, they are threatening the petitioner and family members with dire consequences. A criminal complaint is already lodged before the police and a crime is also registered.

3. The party respondents have entered appearance and filed a detailed counter affidavit denying the allegations. According to them, no crime is registered as against them and they are law abiding citizens. They would not cause any obstruction nor are they intending to cause any obstruction.

4. Learned counsel for the respondents would submit that they are residents of the building constructed by the petitioner, after paying the legal dues. But contrary to the promise made by the petitioner, various common facilities are not yet provided and there is a suit filed by the residents for appropriate relief before the Munsiff's Court, Thiruvananthapuram, as O.S. 1075/2007. It is their apprehension that by issuing an order of police protection, petitioner shall not in any way harass the respondents.

5. heard both sides. Petitioner has produced Ext.P5 judgment rendered by this Court in a similar matter wherein necessary safeguards had been made to protect the interest of either side. However, that was a writ petition filed by the Builder and Convener of the Residents Ad-Hoc Committee. Since the petitioners were not party to the earlier petition, police is not extending any protection to them.

6. In the factual situation, there will be a direction to the 4th respondent to give necessary protection for the life of the petitioner and his family members and from any obstruction from anybody in the matter of their day-today office affairs and construction activities. Since we are not deciding the factual dispute between the parties, appropriate authority will consider those disputes and render a decision untrammeled by any

observation made in this judgment.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-